

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

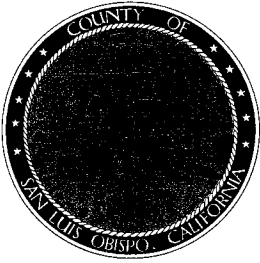
AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Planning and Building	(2) MEETING DATE March 21, 2006	(3) CONTACT/PHONE Kami Griffin, Current Planning 781-5193 Stephanie Fuhs, Current Planning 781-5721	
(4) SUBJECT Request to authorize the processing of applications for General Plan Amendment (LRP2005-00003 - Hayashi and LRP2005-00004 - Czekala)			
(5) SUMMARY OF REQUEST The procedure established by your Board for processing amendments to the Land Use Element requires an initial review of the proposal to determine whether your Board wishes to initiate the processing of the amendment. The following specific amendments are requested for processing: 1. Request to authorize a Land Use Element amendment (LRP2005-00003 - Hayashi) to amend the San Luis Obispo Area Plan by changing an approximate 2.5 acre portion of an approximately 56 acre site from Agriculture to Residential Suburban, move the SLO Urban Reserve Line to include the site and change the Agriculture and Open Space Element designation from Agriculture to Urban Lands. The purpose of the request is to divide the property into two lots. The site is located at 4435 South Higuera, south of the City of San Luis Obispo, in the San Luis Obispo Area Plan. Supervisorial District No. 3 2. Request for a Land Use Element amendment application (LRP2005-00004 - Czekala) to: 1) to amend Article 9 - (Section 22.106.020) - San Luis Bay Rural Area Standards by changing the maximum number of allowable parcels for Assessors Parcel Number 076-114-007 from three to four. The purpose of this request is to allow the applicant to subdivide the existing parcel into two parcels with one residence allowed per parcel. The site is located at 3550 Meadowbrook Lane, on the east side of See Canyon Road, approximately five miles southwest of the City of San Luis Obispo. The site is in the San Luis Bay (Inland) planning area. Supervisorial District No. 3			
(6) RECOMMENDED ACTION Review the attached proposals and determine whether your Board wishes to authorize processing of either of these amendments..			
(7) FUNDING SOURCE(S) Application Fees	(8) CURRENT YEAR COST N/A	(9) ANNUAL COST N/A	(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): See Attached Reports			
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____			
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd , 4th, 5th, All		(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A	
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Board Business (Time Est. 40 min)		(16) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A	
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	

(19) ADMINISTRATIVE OFFICE REVIEW

OK Leslie Brown

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(3/21/06)



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: KAMI GRIFFIN, SUPERVISING PLANNER

VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WH*

DATE: MARCH 21, 2006

SUBJECT: REQUEST TO AUTHORIZE THE PROCESSING OF APPLICATIONS FOR GENERAL PLAN AMENDMENT (LRP2005-00003 - HAYASHI AND LRP2005-00004 - CZEKALA)

RECOMMENDATION

Review the attached proposals and determine whether your Board wishes to authorize processing of either of these amendments.

DISCUSSION

Unlike the processing of land use permits, the first step when considering requested changes to the general plan or land use ordinances is for your Board to determine whether to initiate new legislation to change the rules. Attached are staff reports describing the proposed amendments. If you authorize either request for processing, the item will be scheduled for a public hearing before the Planning Commission and your Board after the environmental review process and staff report is completed.

The following specific amendments are requested for processing:

1. Request to authorize a Land Use Element amendment (LRP2005-00003 - Hayashi) to amend the San Luis Obispo Area Plan by changing an approximate 2.5 acre portion of an approximately 56 acre site from Agriculture to Residential Suburban, move the SLO Urban Reserve Line to include the site and change the Agriculture and Open Space Element designation from Agriculture to Urban Lands. The purpose of the request is to divide the property into two lots. The site is located at 4435 South Higuera, south of the City of San Luis Obispo, in the San Luis Obispo Area Plan. Supervisorial District No. 3

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2. Request for a Land Use Element amendment application (LRP2005-00004 - Czekala) to: 1) to amend Article 9 - (Section 22.106.020) - San Luis Bay Rural Area Standards by changing the maximum number of allowable parcels for Assessors Parcel Number 076-114-007 from three to four. The purpose of this request is to allow the applicant to subdivide the existing parcel into two parcels with one residence allowed per parcel. The site is located at 3550 Meadowbrook Lane, on the east side of See Canyon Road, approximately five miles southwest of the City of San Luis Obispo. The site is in the San Luis Bay (Inland) planning area. Supervisorial District No. 3

OTHER AGENCY INVOLVEMENT/IMPACT

See attached reports

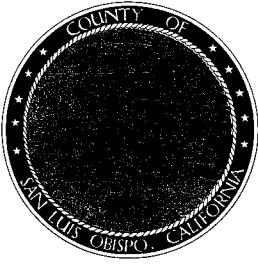
FINANCIAL CONSIDERATIONS

The proposed general plan amendments have been submitted by individual applicants who have paid a deposit and agreed to process the amendments under a real time billing agreement which will allow for the recovery of the actual cost of processing.

RESULTS

Authorization of these applications will allow continued processing and a final decision to occur on these general plan amendment requests.

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: KAMI GRIFFIN, SUPERVISING PLANNER

VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WH*

DATE: MARCH 21, 2006

SUBJECT: Request to authorize a Land Use Element amendment (LRP2005-00003 - Hayashi) to amend the San Luis Obispo Area Plan by changing an approximate 2.5 acre portion of an approximately 56 acre site from Agriculture to Residential Suburban, move the SLO Urban Reserve Line to include the site and change the Agriculture and Open Space Element designation from Agriculture to Urban Lands. The purpose of the request is to divide the property into two lots. The site is located at 4435 South Higuera, south of the City of San Luis Obispo, in the San Luis Obispo Area Plan. Supervisorial District No. 3

RECOMMENDATION

Review the attached proposal and determine whether to authorize processing of the Land Use Element amendment application.

DISCUSSION

Proposal

The applicant has requested that the land use category of an approximate 2.5 acre portion of an approximately 56 acre site be changed from Agriculture to Residential Suburban and that the San Luis Obispo Urban Reserve Line be moved to include the site. The Agriculture and Open Space Element designation would also need to be modified from Agriculture to Urban Lands. The purpose of the request is to allow the site to be divided into two parcels and to separate the site from the remainder of the agricultural land in the applicant's ownership that is located across South Higuera Street to the west. The Residential Suburban land use category will allow for division of the site into two 1+ acre parcels if served by community water and on-site septic systems.

Background

The site is part of a larger parcel that will be created through approved Parcel Map CO 01-237. The map has not yet recorded. This map created two lots, one of 2.14 acres and one of 56.09 acres. The 56.09 acre lot meets the minimum parcel size for Agriculture as it contains at least 40 acres of

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irrigated row crops on Class I soils. The 2.14 acre parcel is being created for the purpose of separating the historic Octagon Barn on its own parcel. The Land Use Ordinance allow for the creation of lots below minimum parcel size where there is an established structure and the site is within the Historic Site combining designation.

The applicant (property owner) is now requesting that a portion of the larger lot that is physically separated by Higuera Road from the remainder of the site, be changed from Agriculture to Residential Suburban in order to divide the property into two parcels.

Project Data

Planning Area: San Luis Obispo

Community: Rural

Assessor Parcel Number: 076-081-018

Supervisory District No. 3

Area: Approximately 2 acres of a 56 acre site

Topography: Nearly level to gently sloping

Vegetation: Grazed grasslands, oak woodland

Water Supply: Private Well (community water will be necessary to divide)

Sewage Disposal: Septic

Existing Use and Improvements: Two residences

Surrounding Land Uses (Land Use Categories)

North: City of San Luis Obispo, residential

South: Crops, agriculture

East: Vacant, commercial service

West: Crops, agriculture

General Plan Information

Land Use Element Category:

Agriculture

Combining Designation:

Airport Review, Flood Hazard

Planning Area Standards:

None applicable

AUTHORITY

Unlike the processing of land use permits, the first step when considering requested changes to the Land Use Element is for your Board to determine whether to initiate a change to the rules. If you authorize this request for processing, the item will be scheduled for public hearings before the Planning Commission and your Board after the environmental review process and staff report is completed.

The Land Use Element sets forth the authority by which the General Plan can be amended. The following factors should be considered by the Board in making their decision, pursuant to the Land Use Element:

DES

- a. **Necessity.** Relationship to other existing LUE policies, including the guidelines for land use category amendments, to determine if those policies make the proposed amendment unnecessary or inappropriate.
- b. **Timing.** Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.
- c. **Vicinity.** Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.
- d. **Cumulative effects of the request.** Individual property owner requests for changes are evaluated in view of existing buildout, current population and resource capacity conditions, and other important information developed as part of the update process.

MAJOR ISSUES

The proposed Land Use Element amendment raises the following major issues:

1. Is the request consistent with applicable Land Use Element plan policies relating to the purpose and character statements for the requested Residential Suburban land use category and the policies of the Agriculture and Open Space Element for conversion of Agricultural land?
2. Would this be an appropriate conversion of agricultural land? Will allowing residential uses in this area create land use conflicts with agricultural uses and facilitate additional agricultural conversion in the immediate vicinity?
3. Does the request represent a logical extension of the Urban Reserve Line and does the Board want to encourage the extension of the Urban Reserve Line in this area?

GENERAL PLAN CONSIDERATIONS

Guidelines for Land Use Category Amendments

In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the criteria listed in Exhibit B. These criteria include consistency with existing goals and policies in the general plan, consistency with the applicable purpose and character statements, compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated, whether the site is suitable for on-site sewage disposal and has an adequate

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groundwater supply, protection of prime agricultural soils, and if the change is needed to provide a sufficient supply of land for the population of the community or area.

Staff Comments: Generally, this request is consistent with these guidelines. Further specific discussion of the agriculture conversion policies of the Agriculture and Open Space Element occurs later in this staff report.

Purpose and Character Statements

The statements of purpose and character in the Framework for Planning, Part I of the Land Use Element of the general plan, are to be used as criteria for evaluating whether a General Plan Amendment is appropriate for a specific site (See Exhibit C). These statements identify suitable features or conditions for the location, extent and timing of designating a land use category. The purpose statements for Residential Suburban include: allowing single-family residential development on estate sized lots in a semi-rural suburban setting within the urban and village areas and to designate areas for lower density residential expansion within urban and village boundaries. The character of Residential Suburban land is described as areas at the outer portions of communities where open space is prominent, with residences on parcels ranging from one to five acres in size and areas within urban or village reserve lines, but outside urban service lines and programmed for less than full urban services.

Staff Comments: With movement of the urban reserve line to include the site, the site does meet many of the purpose and character statements set forth in the Land Use Element.

General Goals of the Land Use Element

Applicable general goals of the Land Use Element include: providing for a sustainable rate of orderly development within the planned capacities of resources and services and the county's and citizens' financial ability to provide them, encouragement of an urban environment that is an orderly arrangement of buildings, structures and open space appropriate to the size and scale of development for each community, maintenance of a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominately agriculture, low-intensity recreation, residential and open space uses, which will preserve and enhance the pattern of identifiable communities, and locating urban residential densities within urban or village reserve lines near employment areas, while protecting residential areas from incompatible and undesirable uses.

Staff Comments: The proposed amendment appears to meet the general goals of the general plan as it is on the edge of the existing urban area. If the application is authorized for processing, a more detailed evaluation will occur.

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Agriculture and Open Space Element

The Agriculture and Open Space Element contains policies on conversion of agricultural lands to non-agricultural uses. Implementation criteria for the conversion policies of the Agriculture and Open Space Element include, but are not limited to, agriculture capability of the site and potential impacts to adjacent lands. Additionally, there are findings in the Agriculture and Open Space Element for conversion of land to non-agricultural use. The findings are to be made based on a site-specific evaluation. Although a detailed site evaluation has not been completed, the site would meet most of the findings. They are:

1. *The land does not meet the criteria for inclusion in the Agriculture designation in this plan or the Land Use Element.*

Response: The project site is approximately 2.5 acres in size and has not been farmed. The active farmland is located across South Higuera from the site.

2. *Agriculture production is not feasible due to some physical constraint or surrounding incompatible land uses.*

Response: The small size of the site make agriculture production difficult.

3. *Adjacent lands are already substantially developed with uses that are incompatible with agricultural uses.*

Response: The site abuts the Commercial Service land use category within the San Luis Obispo Urban Reserve Line. There is adequate area on the site to buffer the remaining agricultural uses in the area.

4. *Conversion to non-agricultural uses shall not adversely affect existing or potential agricultural production on surrounding lands that will remain designated Agriculture.*

Response: If the site is subdivided and developed with rural home sites, adequate buffers could be developed on site.

Agriculture/Open Space Element Designations

The applicant has requested a General Plan Amendment to re-designate the land use designation in the Agriculture/Open Space Element. The current designation is Agriculture, which corresponds to a LUE land use category of Agriculture. Because the applicant has requested to include the property within the Urban Reserve Line, the Ag/OS Element designation would need to be re-designated to Urban Lands. This designation would also maintain consistency with the applicant's request to change the land use category on the site from Agriculture to Residential Suburban.

Urban Reserve Line

The Urban Reserve Line (URL) separates the urban/suburban land uses from the rural land uses based on the existing and planned capability of local services such as water and sewer systems. The URL also defines growth areas around urban centers such as San Luis Obispo to facilitate the orderly development of the community. The goals and objectives for public services are listed in Chapter 4,

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Section C of the Inland Area Framework for Planning, and include:

Goal 1: Provide additional public resources, services and facilities in sufficient time to avoid overburdening existing resources, services and facilities.

Objective: Schedule development to occur when needed services are available or can be supplied concurrently. This could include applying the use of "holding zones" where development could initially be limited below the maximum density permitted, until service improvements are available.

Goal 2: Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominantly agriculture, low-intensity recreation, residential and open space uses which will preserve and enhance the pattern of identifiable communities.

Objectives: Direct the extension of urban services to areas within urban and village reserve lines, and restrict urban services from being provided outside urban or village areas. Fund improvements that would primarily benefit the residents or users of new development, and that are necessary to maintain an adequate level of public services, through impact fees.

AUTHORIZATION OPTIONS

Your Board should consider the following options as part of your discussions when considering whether to authorize this project for processing:

1. Authorize the application for processing to amend the Land Use Element.
2. Do not authorize the processing of this application.

OTHER AGENCY INVOLVEMENT / IMPACT

If the project is authorized for processing, the application will be referred to all applicable agencies and community advisory bodies.

FINANCIAL CONSIDERATIONS

The applicant has paid a deposit and has agreed to process the amendments under a Real Time Billing Agreement which will allow for the recovery of the actual cost of processing.

RESULTS

Authorization of the Land Use Element amendment application will allow continued processing, completion of the environmental determination and a final decision to occur after public hearings before both the Planning Commission, and Board of Supervisors. Not authorizing the application will stop the further processing of the Land Use Element amendment.

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EXHIBITS

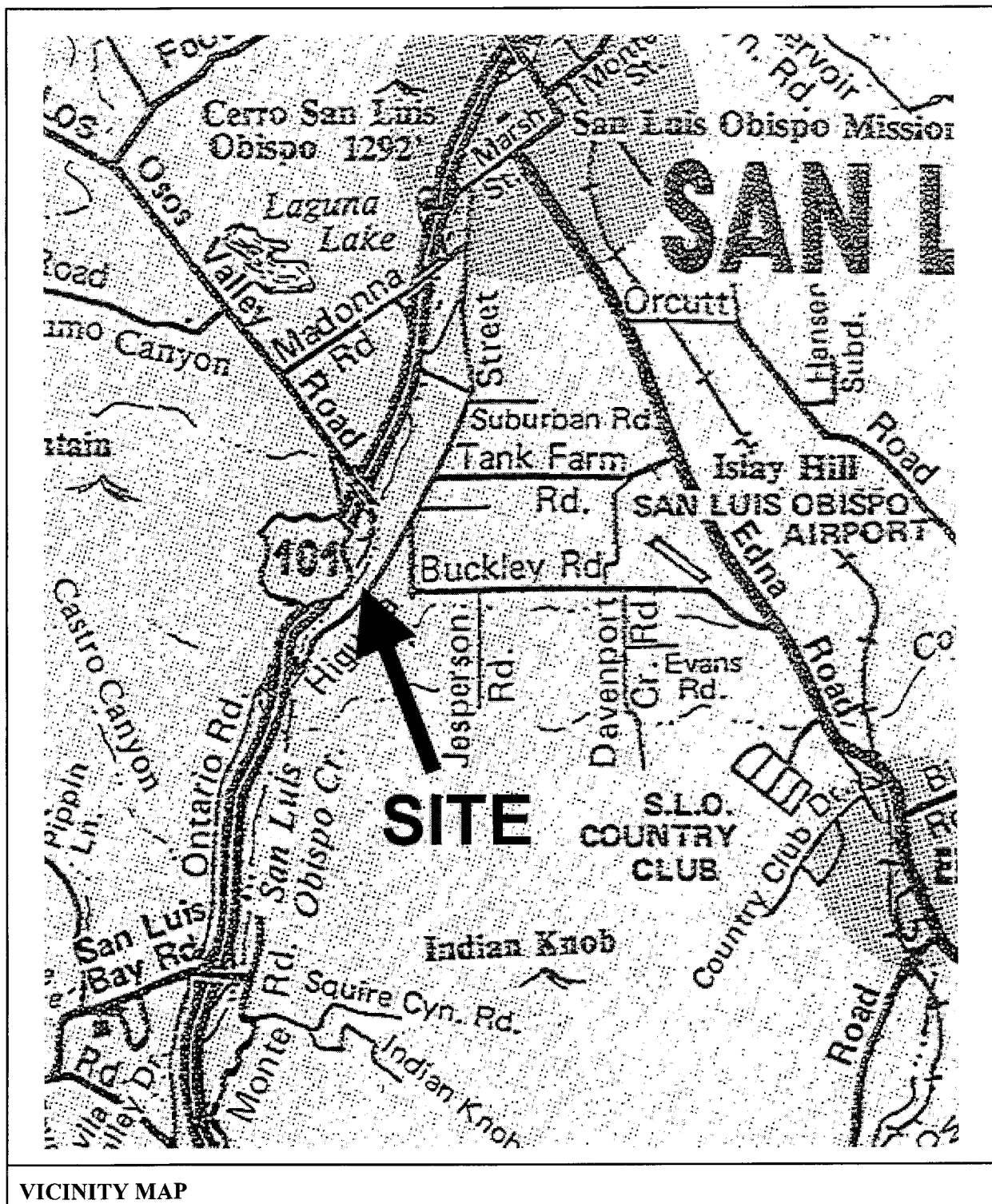
Vicinity Map

LRP 2005-00003:A Land Use Category Map / Amendment Request / Ag and Open Space Map

Exhibit B - Guidelines for Amendments

Exhibit C – Purpose and Character Statements

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VICINITY MAP

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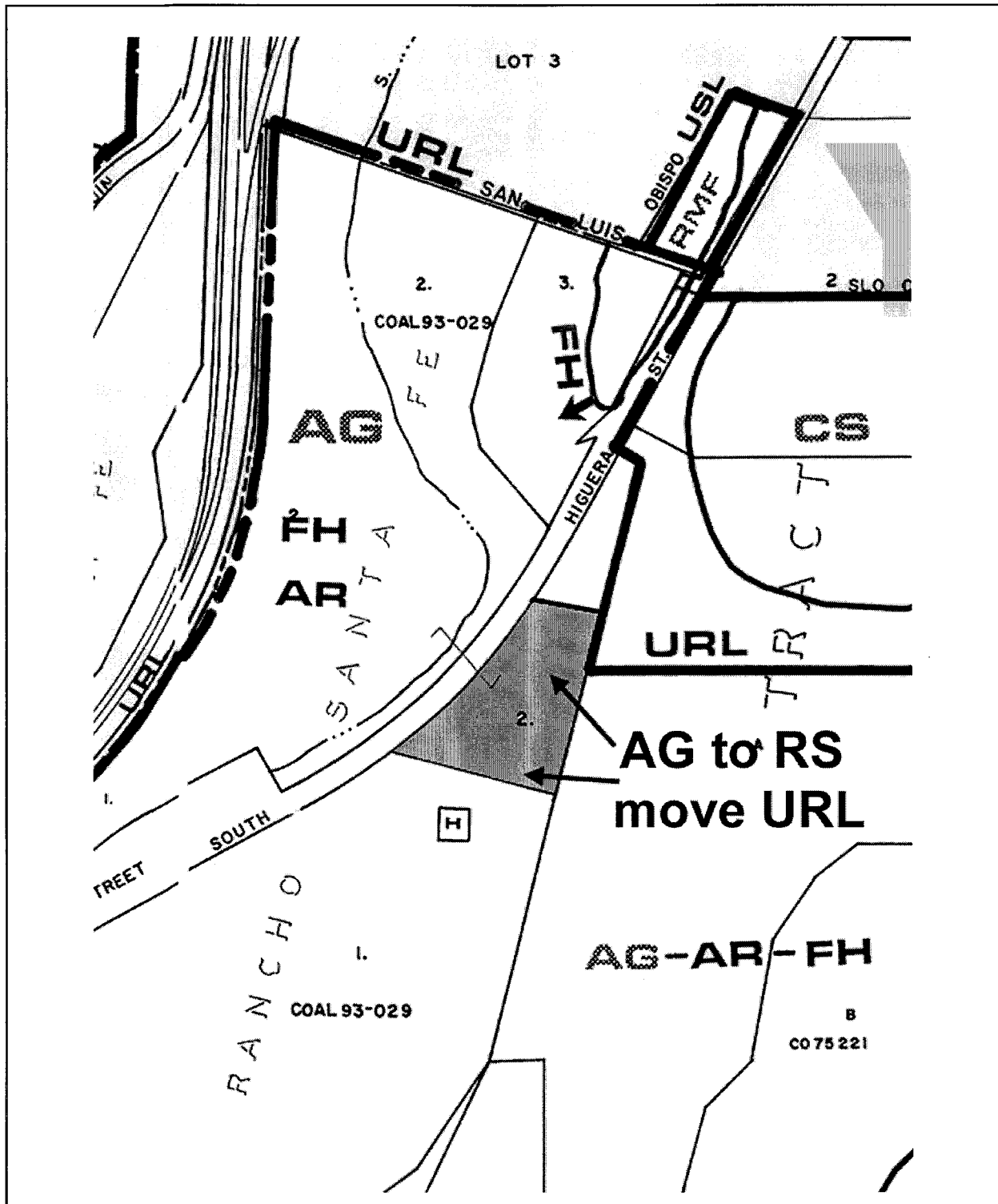


EXHIBIT LRP 2005-00003:A (Land Use Designation)

INITIATING A PRECISE LAND USE DESIGNATION AS SHOWN ON OFFICIAL LAND USE CATEGORY MAP ON FILE IN THE DEPT. OF PLANNING AND BUILDING

CHANGE FROM AG TO RS, Move URL

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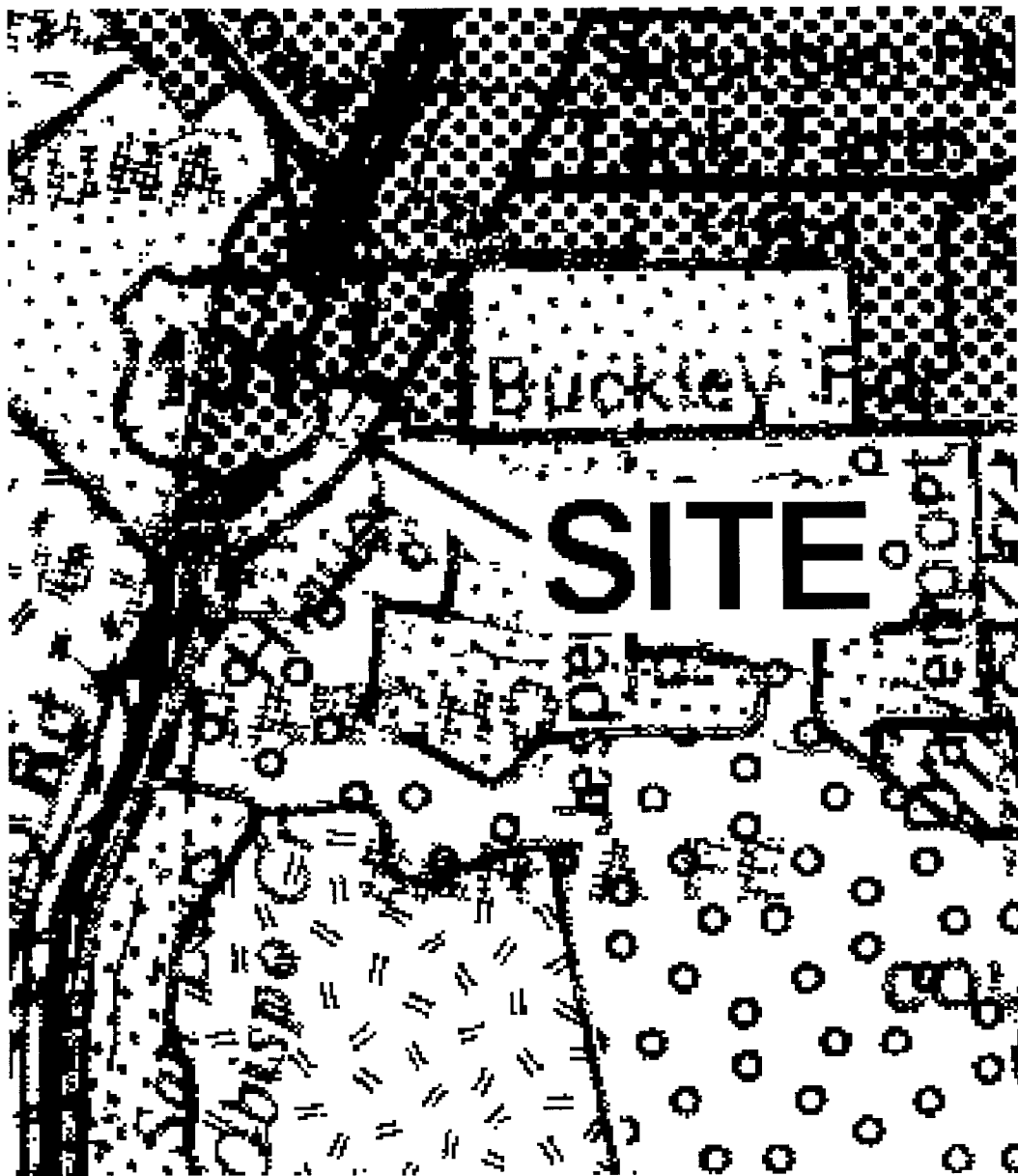


EXHIBIT LRP 2005-00003:A (Ag and Open Space Element)

**INITIATING A PRECISE DESIGNATION AS SHOWN ON OFFICIAL OPEN SPACE ELEMENT MAP ON FILE
IN THE DEPT. OF PLANNING AND BUILDING**

CHANGE FROM AGRICULTURE TO URBAN LANDS

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B

EXHIBIT B

GUIDELINES FOR LAND USE CATEGORY AMENDMENTS FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT

1. **Existing planning policies.** Whether the proposed land use category is consistent with the following:
 - a. Applicable policies in the various elements of the General Plan (Land Use, Open Space, Conservation, Circulation, Housing, Safety, Noise);
 - b. The general goals in Chapter 1 of Framework for Planning (Part I of the Land Use Element);
 - c. The purpose and character statements for land use categories in Section B, description of land use categories;
 - d. Uses listed in Table O, list of allowable uses; and
 - e. The text, standards and maps of the area plans (Part II of the Land Use Element).
2. **Area character.** Whether the proposed land use category is compatible with allowed land uses in surrounding land use categories. Whether the potential types of development resulting from a proposed amendment would adversely affect the existing or planned appearance of the countryside, neighborhood and style of development in the surrounding area.
3. **Environmental impacts.** The proposed amendment should not enable development that would cause potential significant adverse environmental impacts as determined through an environmental determination prepared by the Office of the Environmental Coordinator, unless such impacts can be adequately mitigated or a statement of overriding considerations can be adopted in accordance with the California Environmental Quality Act.
4. **Accessibility/circulation.** Whether the site of the proposed amendment is located with convenient access to a road system in the vicinity that is adequate to accommodate the traffic generated by the type and intensity of development allowed by the amendment.
5. **Soils classification.** Whether the proposed amendment gives consideration to protecting prime agricultural soils (SCS Class I and II, irrigated) for potential agricultural use. Proposals in other soil classifications should be reviewed together with other site features to determine if the proposed amendment could unnecessarily limit, reduce or eliminate potentially viable agricultural uses.

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6. **Slope and other terrain characteristics.** Whether site terrain would be predominantly retained in its existing configuration by development enabled by the proposed amendment? Whether development resulting from the proposed amendment would retain the overall contour of a site such that more intensive development occurs on flatter land and low-density development is accommodated by steeper terrain.
7. **Vegetation.** Whether the proposed amendment enables development that would retain significant vegetation such as oak woodlands or other mature tree forests and native plant communities that provide wildlife habitat or include rare and endangered plant or animal species.
8. **Hazards.** Whether the proposed amendment has been evaluated with respect to potential building limitations due to flood, fire or geologic hazards, so that subsequent development will be feasible in relation to the uses allowed by the proposed amendment.
9. **Existing parcel size and ownership patterns.** Whether the proposed amendment enables development of a type and scale consistent with surrounding parcel sizes and ownership patterns.
10. **Availability of public services and facilities.** Whether the proposed amendment is located in an area with demonstrated availability of needed public services and facilities and, where applicable, whether it is suitable for on-site sewage disposal and has an adequate groundwater supply. To the extent that proposed amendments will create a demand for services, amendments in the urban and village areas should demonstrate that services for water supply, sewerage, streets, public safety, schools and parks are planned to be available within the horizon year of the applicable area plan, or a capital improvement program is in effect to provide for any such services that are currently deficient, or such services and facilities will be provided as a result of approved development following the amendment.
11. **Land inventory.** Whether the amendment, with the uses it would allow, is needed to provide a sufficient supply of land for the population of the community or area that is projected within planned resources, services and facilities.

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EXHIBIT C

RESIDENTIAL SUBURBAN PURPOSE AND CHARACTER STATEMENTS

Purpose

- a. To allow for single-family residential development on estate sized lots in a semi-rural suburban setting within the urban and village areas or in older existing rural subdivisions.
- b. To allow limited, compatible non-residential uses which complement suburban neighborhoods such as animal raising or hobby farming.
- c. To designate areas for lower density residential expansion within urban and village boundaries.
- d. To encourage clustering of allowed densities where there are important open space attributes that are a community resource or where sensitive habitats exist.

Character

- a. Areas at the outer portions of communities where open space is prominent, with residences on parcels ranging from one to five acres in size.
- b. Areas within urban or village reserve lines, but outside urban service lines and programmed for less than full urban services (see Table H).
- c. Although there are several areas of the residential suburban category outside urban and village reserve lines, such as Squire Canyon, Arroyo Grande Fringe and Tract 7, those areas are designated to recognize existing areas of small lots. Those areas should not be expanded and new areas not created except within urban and village reserve lines.
- d. Areas where soil conditions will enable septic systems to serve adequately on larger parcels.
- e. Areas where the majority of land contains slopes less than 30% (with increased lot sizes required as slope increases) and where land with slopes less than 20% is available for building sites on all proposed parcels.
- f. Areas with a landscape or viewshed of high visual quality (for example, woodlands, hills, rock formations, existing agriculture and ag accessory buildings) where clustering of allowed density to less sensitive portions of a site is encouraged.
- g. Areas of generally marginal agricultural land.
- h. Areas generally free of fragile natural resources.
- i. Areas where growth will not be premature with respect to utility and public service capacities, or in conflict with agricultural, commercial or industrial uses.
- j. Areas where horses and other similar farm animals are allowed accessory to residential uses.
- k. Areas where small-scale neighborhood commercial and service uses may be appropriate in limited areas if consistent with individual community plans and Land use Ordinance standards.

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: STEPHANIE FUHS, PROJECT PLANNER

VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING

A handwritten signature in black ink, appearing to read "WH", is written over the word "CURRENT" in the "VIA" line.

DATE: MARCH 21, 2006

SUBJECT: Request for a Land Use Element amendment application (LRP2005-00004 – Czekala) to: 1) to amend Article 9 – (Section 22.106.020) – San Luis Bay Rural Area Standards by changing the maximum number of allowable parcels for Assessors Parcel Number 076-114-007 from three to four. The purpose of this request is to allow the applicant to subdivide the existing parcel into two parcels with one residence allowed per parcel. The site is located at 3550 Meadowbrook Lane, on the east side of See Canyon Road, approximately five miles southwest of the City of San Luis Obispo. The site is in the San Luis Bay (Inland) planning area. Supervisorial District No. 3

RECOMMENDATION

Review the attached proposal and determine whether your Board wishes to authorize processing.

DISCUSSION

Proposal

The project site is an approximately 21 acre parcel currently within the Residential Rural land use category in the Rural San Luis Bay planning area, off See Canyon Road. The property owner, Kate Czekala, is requesting to change planning area standards for Assessors Parcel Number 076-114-007, which, when the standards were adopted as part of the Land Use Ordinance, limited subdivision to no more than three parcels.

Parcel 076-114-007 was subdivided into three parcels (CO 96-0085) in 1996 (APNs 076-114-049 [21 acres], -050 [10 acres] and -051 [10 acres]). The current parcel under consideration (APN 076-114-049) was created with two building envelopes, one for a primary residence, one for a secondary residence. The current proposal would allow for the subdivision of the 21 acre parcel into two parcels, but limit residential development to one primary residence with no secondary dwellings allowed. This would allow for no increase in density, only square footage of the future residences, as a secondary residence would currently be limited to 1,200 square feet on the existing parcel.

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The property is adjacent to lands within the Residential Rural and Rural Lands land use categories. The land uses on adjacent properties are residences, with some commercial agricultural uses along See Canyon Road.

Project Data

Planning Area: San Luis Bay (Inland)	Community: Rural
Assessor Parcel Number: 076-114-049	
Supervisory District No. 3	
Area: 21+/- acres	Topography: Gently to moderately sloping
Vegetation: Grasses, forbs, oak woodland	
Water Supply: Shared well	
Sewage Disposal: Individual wastewater systems	
Existing Use and Improvements: Single-family residence	

Surrounding Land Uses (Land Use Categories)

North: Scattered residences (Rural Lands)
South: Commercial Agricultural Operation (Residential Rural)
East: Scattered Residences (Residential Rural)
West: Scattered Residences (Residential Rural)

General Plan Information

Land Use Element Category: Residential Rural
Combining Designation: Flood Hazard
Planning Area Standards: San Luis Bay (Inland) Rural Area Standards

AUTHORITY

Unlike the processing of land use permits, the first step when considering requested changes to the general plan or land use ordinances is for your Board to determine whether to initiate new legislation to change the rules. If you authorize this request for processing, the item will be scheduled for public hearings before the Planning Commission and your Board after the environmental review process and staff report is completed.

The Land Use Element sets forth the authority by which the General Plan can be amended. The following factors should be considered by the Board in making their decision, pursuant to the Land Use Element:

- a. **Necessity.** Relationship to other existing LUE policies, including the guidelines for land use category amendments, to determine if those policies make the proposed amendment unnecessary or inappropriate.
- b. **Timing.** Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.

- c. **Vicinity.** Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.

ISSUES

The proposed General Plan amendment raises the following issue:

1. Would the proposed land use and density be compatible with present and potential land uses in the area?

GENERAL PLAN CONSIDERATIONS

Guidelines for Land Use Ordinance Amendments

In determining whether to approve a proposed Land Use Ordinance amendment, the Planning Commission and Board of Supervisors should be guided by the principles for implementation of the general plan goals as follows:

1. All developments should be designed with maximum consideration of the characteristics of project sites and their surroundings:
 - a. To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;
 - b. To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings;
 - c. To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.
2. Designs for proposed residential uses should include:
 - a. Provisions for privacy and usable open space;
 - b. Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.
3. All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.

The amendment would appear to meet these guidelines. More detailed review will occur if the amendment is authorized for processing.

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LAND USE ISSUES

General Goals of the Land Use Element

Applicable general goals of the Land Use Element include: maintain and protect a living environment that is safe, healthful by replenishing renewable resources; preserve and protect air quality of the county; and encourage an urban environment that is an orderly arrangement of building, structures and open space appropriate to the size and scale of development for each community.

Staff Response: Changing the site to allow for one additional parcel is compatible with the general goals of the general plan, including those regarding Environment, and Distribution of Land Uses, Residential Land Uses.

STAFF COMMENTS

Because the request would not increase the density allowed on the site beyond what is currently allowed today, the effect of this amendment would not modify the original intent of limiting the minimum parcel size of this site. Setting a limit on the number of parcels allowed by subdivision has the effect of limiting density. Prohibiting secondary dwellings on the smaller parcels enabled by this request would have the same effect.

AUTHORIZATION OPTIONS

Your Board should consider the following options as part of your discussions when considering whether to authorize this project for processing:

1. Authorize the application as requested for processing to allow the change of the maximum number of allowable parcels for Assessors Parcel Number 076-114-007 from three to four.
2. Do not authorize the processing of this application.

OTHER AGENCY INVOLVEMENT / IMPACT

If the project is authorized for processing, the application will be referred to all applicable agencies and community advisory bodies. The application was sent as a tentative referral (notification that the application was requested, but has not yet been authorized for processing) to the County Public Works, County Environmental Health, and the City of San Luis Obispo.

FINANCIAL CONSIDERATIONS

The applicant has paid a deposit and has agreed to process the amendments under a Real Time Billing Agreement, which will allow for the recovery of the actual cost of processing.

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DO

RESULTS

Authorization of the General Plan Amendment application will allow continued processing and a final decision to occur. Not authorizing the application will stop the further processing of the General Plan Amendment.

EXHIBITS

Exhibit A – Vicinity Map

Exhibit B – Land Use Category Map

Exhibit C - Purpose and Character Statements for the Residential Rural land use category

Exhibit D – Applicant's Project Description

Exhibit E -- Aerial Photo

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Vicinity Map



SITE

PROJECT

Ordinance Amendment
Czekala LRP2005-00004

EXHIBIT

Land Use Category



EXHIBIT C

PURPOSE AND CHARACTER STATEMENTS FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT RESIDENTIAL RURAL LAND USE CATEGORY

Purpose

- a. To provide for residential development at a low density compatible with a rural character and life-style which maintains the character of the open countryside and is compatible with surrounding agricultural uses.
- b. To allow limited, compatible non-residential uses commensurate with rural parcel sizes.
- c. To emphasize residential uses in areas where agriculture is clearly a secondary use, or where agriculture is not feasible yet large open space areas are maintained as part of a residential life-style.
- d. To encourage agricultural and other open space uses as part-time or incidental "hobby" activities, such as horse raising or specialty farming.

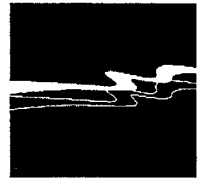
Character

- a. Areas of existing small-acreage parcels no more than three miles from urban reserve lines that are not commercially viable for agriculture, where the average parcel size within any contiguous area is below 19 acres.
- b. Areas that are outside of urban and village areas and connected to them by county-maintained roads, although exceptions may be observed for existing older subdivided areas.
- c. Areas with slopes generally less than 30%.
- d. Areas with marginal agricultural soils.
- e. Areas with a rural landscape high in visual quality (for example, woodlands, hills, rock formations, existing agriculture and ag accessory buildings) where clustering of allowed densities to less sensitive portions of a site is encouraged to be required through planning area standards.
- f. Areas generally free of fragile natural resources.
- g. Areas where growth will not be premature with respect to utility and public service capacities, or in conflict with agricultural, commercial, or industrial uses. Light agricultural uses are to be encouraged.
- h. Areas where horses and other similar farm animals are allowed accessory to residential uses.
- i. Areas where public services demands are limited, septic tanks and individual wells can suffice for required water and sewer capability.

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EXHIBIT D
Project Description

**Kate Czekała Eubanks Ordinance Amendment
October 31, 2005
694-0002**



WALLACE GROUP

Proposed Project

The proposed project is an ordinance amendment of the LUO Section 22.106.020.D.2.a to allow further subdivision of the 21± Acre parcel into two 10± Acre parcels consistent with surrounding land uses.

Proposed Action

Land Use Ordinance Amendment to be processed through San Luis Obispo County Planning and Building Department.

Assessors Parcel Number

076-114-049

Site Address

3350 Meadowbrook Lane, San Luis Obispo, California 93405

Planning Area

San Luis Bay

Zoning/Land Use

Residential Rural (RR)

Combining Designations

Flood Hazard Area

Property Location

The project site is located approximately 3 miles north of San Luis Bay Drive on Meadowbrook Lane, approximately 1,100 feet east of See Canyon Road.

Property Size

21.4 acres ±

Existing Uses

Parcel Map 53-74 (CO 96-085) created two building envelopes on the parcel. Currently, construction has begun on the easterly building envelope of a single-family residential structure and related improvements (Permit Numbers – 2004-01391, 2004-03162, and 2005-00286). The property is currently occupied by an older mobile home, which is located outside both of the existing Building Envelopes. An existing well provides sufficient water for both the mobile home and home currently under construction.

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WALLACE GROUP
A California Corporation

4115 BROAD ST
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Surrounding Land Uses

Although the existing parcel is directly adjacent to the Rural Lands Zoning Designation and steep slopes to the east, the majority of the surrounding area through the flatter portions of See Canyon are zoned Residential Rural. The majority of the Residential Rural parcels surrounding See Canyon Road have been historically subdivided into 10-acre parcels pursuant to Section 22.22.060 of the LUO. Although Residential Rural Zoning generally allows subdivisions to utilize a minimum parcel size as small as 5 acres, the majority of See Canyon is limited to 10 acre parcels based on the use tests outlined under the Residential Rural Subdivision criteria in the LUO.

Project Description

The proposed project involves requesting an ordinance amendment to section 22.106.020.D.2.a of the San Luis Obispo County Land Use Ordinance (LUO) to allow further subdivision of the 21± Acre parcel into 10 acre parcels consistent with surrounding land uses and subdivisions. (See attached proposed revised language)

Upon approval of the Ordinance Amendment, a Tentative Parcel Map would be prepared to subdivide the existing 21-acre parcel into two 10+ Acre parcels under a subsequent Land Use Permit Application.

Since the existing 21-acre parcel has two building envelopes, discussions with County Staff have led the applicant to propose to limit development to one (1) primary dwelling unit per legal parcel to remain consistent with the intent of the original subdivision.

Project Justification

Although the surrounding parcels in the RR designation have been subdivided into 10-acre parcels, Section 22.106.020.D.2.a currently limits land division to three (3) parcels for APN 076-114-007, which was subdivided in 1996 into 3 parcels. (APN's 076-114-049, 050, and 051.) In a discussion with Kami Griffin, Senior Planner, she indicated her initial research did not indicate any justification for this limitation and was unsure why the limitation was placed into the ordinance.

The proposed Amendment and subdivision is consistent with the following regulations:

A. Section 22.22.060 Residential Rural Subdivision Design *Minimum Parcel Size Tests*

1. Remoteness Test

The parcel is located approximately 3 miles from the Avila Village Reserve Line thus requiring a minimum parcel size of 10 acres.

2. Fire Hazard/Response Test

The parcel is located within the High Hazard fire area, however is located within a 15 minute or less response time thus requiring a minimum parcel size of 5 acres.

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3. Parcel Access Test

The parcel takes access via Meadowbrook Ln, which utilizes organized maintenance to See Canyon Road thus requiring a minimum parcel size of 10 acres.

4. Slope Test

The parcel is located outside of the GSA therefore a minimum parcel size of 10 acres. Even if the average slope is 30 percent, 10 acres is the largest minimum parcel size as required by this section outside of the GSA.

B. Framework for Planning (Inland):

B-1 - Guidelines for Amendment to Land Use Ordinance and LUE Planning Area Standards

As depicted in the underlined responses to the criteria outlined in Guidelines for Amendments to Land Use Ordinance and LUE Planning Area Standards, the project as proposed is consistent with the guidelines and the surrounding uses.

1. All developments should be designed with maximum considerations of the characteristics of project sites and their surroundings:

- a. To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;
- b. To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surrounds;
- c. To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.

The project as proposed will eliminate development potential on the steeper slopes on the parcel and locate all development away from the sensitive environmental areas while maintaining the rural character of the area.

2. Designs for proposed residential uses should include:

- a. Provisions for privacy and usable open space;
- b. Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.

The project as proposed will provide adequate, private, useable open space and orientation which will maximize the potential on the site for both building envelopes

3. All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.

The project as proposed will not impede existing parking and vehicular movements on site.

As depicted in the underlined responses to the criteria outlined in Guidelines for Amendments to Land Use Ordinance and LUE Planning Area Standards, the project as proposed is consistent with the guidelines and the surrounding uses.

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B-2 - Description of Land Use Categories - Residential Rural Intended Character

As depicted in the underlined responses to the criteria outlined and describing Residential Rural description, the project as proposed clearly meets the standards and intent of the RR land use.

Purpose

- a. To provide for residential development at a low density compatible with a rural character and lifestyle which maintains the character of the open countryside and is compatible with surrounding agricultural uses.

The project as proposed will provide low-density residential development consistent with the character and requirements as specified in the LUO.

- b. To allow limited, compatible non-residential uses commensurate with rural parcel sizes.

The project as proposed will only provide residential uses.

- c. To emphasize residential uses in areas where agriculture is clearly a secondary use, or where agriculture is not feasible yet large open space areas are maintained as part of a residential lifestyle.

Residential uses will remain the primary use of this parcel and the building envelopes will maintain the large open spaces consistent with residential lifestyle.

- d. To encourage agricultural and other open space uses as part-time or incidental "hobby" activities, such as horse raising or specialty farming.

The appearance of natural open space will be maintained through the use of building envelopes

Character

- a. Areas of existing small-acreage parcels no more than three miles from urban reserve lines that are not commercially viable for agriculture, where the average parcel size within any contiguous area is below 19 acres.

The parcel is located within three miles of the Avila VRL and not commercially viable for agriculture. The surrounding lots vary in size, however the average is below 19 acres.

- b. Areas that are outside of urban and village areas and connected to them by county-maintained roads, although exceptions may be observed for existing older subdivided areas.

The parcel is connected to the Avila Village through See Canyon Road

- c. Areas with slopes generally less than 30%.

The proposed building envelopes focus development on minimal slopes.

- d. Areas with marginal agricultural soils.

The parcel is surrounded with steep, chaparral-covered hills that are unsuitable for any agricultural development.

- e. Areas with a rural landscape high in visual quality (for example, woodlands, hills, rock formations, existing agriculture and ag accessory buildings) where clustering of allowed densities to less sensitive portions of a site is encouraged to be required through planning area standards.

The building envelopes will minimize visibility and cluster development on the flatter portions of the site.

- f. Areas generally free of fragile natural resources.

The building envelopes avoid encroaching into the riparian corridor to the maximum extent feasible.

- g. Areas where growth will not be premature with respect to utility and public service capacities, or in conflict with agricultural, commercial, or industrial uses. Light agricultural uses are to be encouraged.

The parcels surrounding the parcel of concern currently have access to public service and utilities and the project as proposed will not conflict with the surrounding land uses.

- h. Areas where horses and other similar farm animals are allowed accessory to residential uses.

The use of horses or other similar farm animals will be consistent with the surrounding uses and rural character of the area.

- i. Areas where public services demands are limited, septic tanks and individual wells can suffice for required water and sewer capability.

Water and sewer utilities are not available in this area, however septic systems and a shared well will provide adequate services consistent with the surrounding developments.

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- (b) Proposed access roads shall have the minimum feasible cross slopes and visibility, with a maximum road cut of five feet maintained wherever possible in visible areas. Prepare a grading, erosion control and landscaping plan, emphasizing vegetation to screen all visible cut and fill slopes.
- (c) Any new application that proposes facilities at any site other than an existing developed location, must demonstrate through a combination of technical and economic analysis not including proprietary information to the industry that new facilities cannot be reasonably incorporated into existing developed locations.
- (d) Steam generators and other venting equipment shall incorporate the best available technology to minimize the appearance of a smoke or steam plume.
- (e) Steam generators and other equipment that cause smoke or steam, and production facilities for oil resources having high concentrations of sulphur compounds, shall not be emitted within 1,000 feet of a residence and the Pismo Beach City limits.
- (f) Normal workover procedures should not exceed the average maintenance cycle, with the exception of breakdowns and emergencies that are verified to the Director through the Division of Oil and Gas' closest office to the well location.

[Amended 1985, Ord. 2215]

D. Residential Rural (RR). The following standards apply within the Residential Rural land use category.

1. **Parcel Size - See Canyon (A).** The minimum parcel size for new land divisions in the Residential Rural land use category located in See Canyon (A) (see Figure 106-2) is 10 acres. [Amended 1996, Ord. 2760]
2. **Standards - See Canyon (B).** The following standards apply to development and division of 1995 Assessor Parcel Number 076-114-007 as shown on Figure 106-2 as See Canyon (B).
 - a. **Number of parcels and parcel size.** The maximum number of parcels allowed through a land division shall be three, with no parcel being less than 10 acres in size, unless Chapter 22.22 would otherwise require a larger minimum parcel size.
 - b. **Building envelopes.** Designated building envelope(s) shall be required for each allowable lot. The building envelope(s) shall be located outside of the oak and chaparral covered slopes and environmentally sensitive areas, so as to minimize the following types of impacts: oak tree and other vegetation removal, topographic alteration (for both access roads and building sites), and visual impacts. The building envelope(s) shall not extend beyond the existing grassland/pasture area.

- c. **Riparian setbacks.** The designated building envelope(s) shall be at least 50 feet from the edge of the riparian corridor. The only activities allowed within 50 feet of the edge of the riparian corridor are those related to approved erosion control, necessary access and revegetation.
- d. **Water supply.** The Tentative Map application shall include evidence that adequate water is available on the site(s), including a static and recovery pump test that shows an adequate recovery time for each well proposed to serve the land division. If a shared well is used to serve the proposed parcels, an agreement shall be recorded that specifies each parcel's right to the water.

[Amended 1996, Ord. 2760]

- 3. **Maximum density - CO 82-040, Parcels 1 and 3.** (See Figure 106-2). The maximum allowable density for new land divisions shall be one unit per five acres (no secondary units shall be allowed), unless Chapter 22.22 would otherwise require a larger minimum parcel size. The allowable lots shall be clustered outside of environmentally sensitive areas in compliance with Section 22.22.140 (Cluster Division), or if clustering is not used, building sites shall be located in the least environmentally sensitive areas consistent with an environmental constraints analysis and previously approved building sites. Future parcels or building sites shall be designed to use combined access with the existing access from See Canyon Road and shall also minimize the following types of impacts: wastewater disposal, water availability, oak tree removal, visual impacts (including landscape screening), topographic alteration and archeological resources.

[Amended 1994, Ord. 2686]

- 4. **Alisos Road.** The following standards apply to the site as shown in Figure 106-6 as Alisos Road area A and B.
 - a. **Parcel size.** The minimum parcel size for new land divisions in Alisos Road areas A and B shall be 10 acres unless Chapter 22.22 would otherwise require a larger minimum parcel size.
 - b. **Density limitation.** Residential density in Alisos Road area A shall be limited to a maximum of one primary single family residence for each 10 acre parcel. No secondary residences shall be allowed.

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Proposed Amendments

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

San Luis Bay - Rural Area Standards

22.106.020

- (b) Proposed access roads shall have the minimum feasible cross slopes and visibility, with a maximum road cut of five feet maintained wherever possible in visible areas. Prepare a grading, erosion control and landscaping plan, emphasizing vegetation to screen all visible cut and fill slopes.
- (c) Any new application that proposes facilities at any site other than an existing developed location, must demonstrate through a combination of technical and economic analysis not including proprietary information to the industry that new facilities cannot be reasonably incorporated into existing developed locations.
- (d) Steam generators and other venting equipment shall incorporate the best available technology to minimize the appearance of a smoke or steam plume.
- (e) Steam generators and other equipment that cause smoke or steam, and production facilities for oil resources having high concentrations of sulphur compounds, shall not be emitted within 1,000 feet of a residence and the Pismo Beach City limits.
- (f) Normal workover procedures should not exceed the average maintenance cycle, with the exception of breakdowns and emergencies that are verified to the Director through the Division of Oil and Gas' closest office to the well location.

[Amended 1985, Ord. 2215]

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2. **Standards - See Canyon (B).** The following standards apply to development and division of 1995 Assessor Parcel Number 076-114-007 as shown on Figure 106-2 as See Canyon (B).
 - a. **Number of parcels and parcel size.** The maximum number of parcels allowed through a land division shall be ~~three~~ four, with no parcel being less than 10 acres in size, unless Chapter 22.22 would otherwise require a larger minimum parcel size.
 - b. **Building envelopes.** Designated building envelope(s) shall be required for each allowable lot. The building envelope(s) shall be located outside of the oak and chaparral covered slopes and environmentally sensitive areas, so as to minimize the following types of impacts: oak tree and other vegetation removal, topographic alteration (for both access roads and building sites), and visual impacts. The building envelope(s) shall not extend beyond the existing grassland/pasture area.

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- c. **Riparian setbacks.** The designated building envelope(s) shall be at least 50 feet from the edge of the riparian corridor. The only activities allowed within 50 feet of the edge of the riparian corridor are those related to approved erosion control, necessary access and revegetation.
- d. **Water supply.** The Tentative Map application shall include evidence that adequate water is available on the site(s), including a static and recovery pump test that shows an adequate recovery time for each well proposed to serve the land division. If a shared well is used to serve the proposed parcels, an agreement shall be recorded that specifies each parcel's right to the water.

[Amended 1996, Ord. 2760]

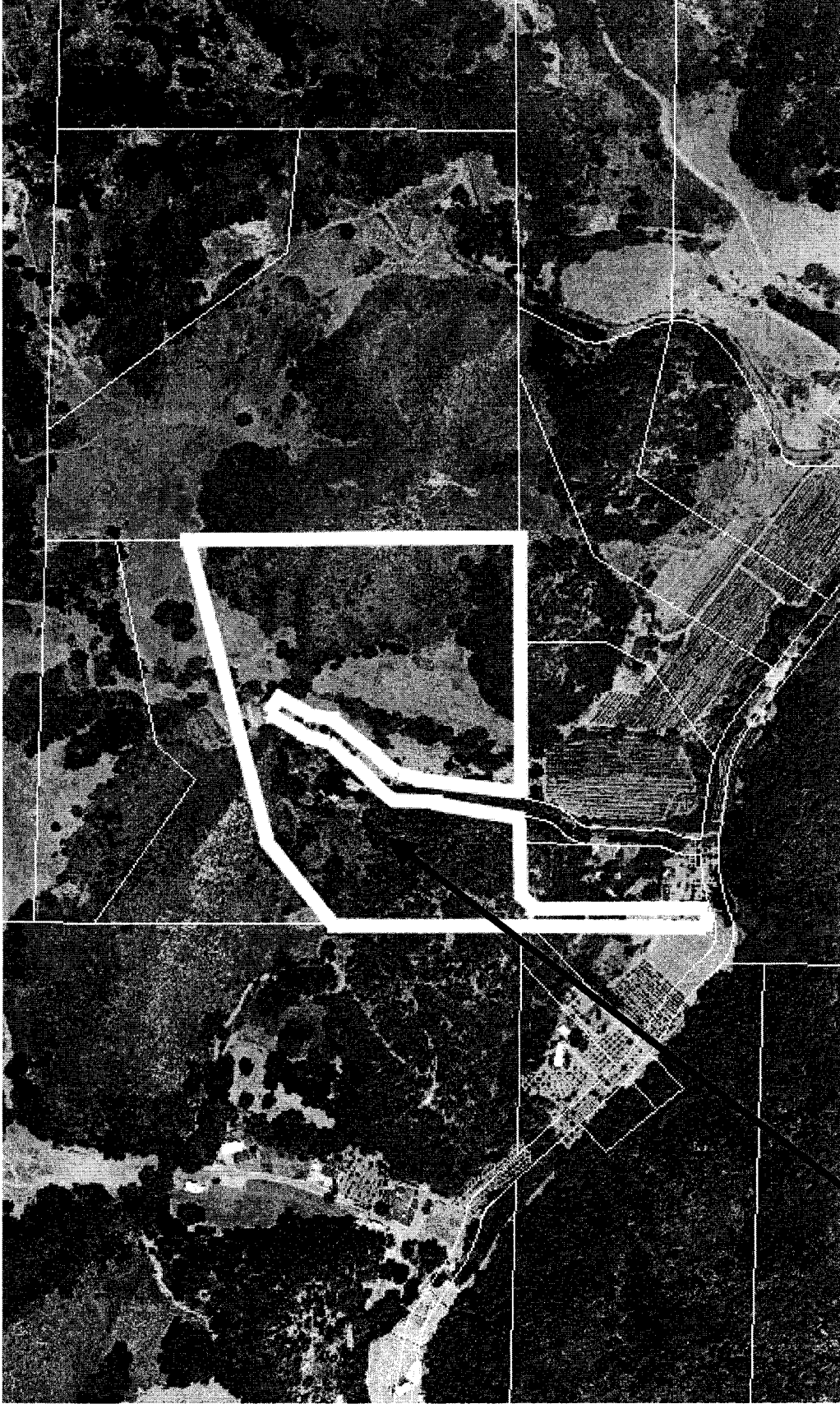
- e. **Further Subdivision.** Any subdivision application submitted after 1996 shall be limited to one (1) primary unit per parcel.

- 3. **Maximum density - CO 82-040, Parcels 1 and 3.** (See Figure 106-2). The maximum allowable density for new land divisions shall be one unit per five acres (no secondary units shall be allowed), unless Chapter 22.22 would otherwise require a larger minimum parcel size. The allowable lots shall be clustered outside of environmentally sensitive areas in compliance with Section 22.22.140 (Cluster Division), or if clustering is not used, building sites shall be located in the least environmentally sensitive areas consistent with an environmental constraints analysis and previously approved building sites. Future parcels or building sites shall be designed to use combined access with the existing access from See Canyon Road and shall also minimize the following types of impacts: wastewater disposal, water availability, oak tree removal, visual impacts (including landscape screening), topographic alteration and archeological resources.

[Amended 1994, Ord. 2686]

- 4. **Alisos Road.** The following standards apply to the site as shown in Figure 106-6 as Alisos Road area A and B.
 - a. **Parcel size.** The minimum parcel size for new land divisions in Alisos Road areas A and B shall be 10 acres unless Chapter 22.22 would otherwise require a larger minimum parcel size.
 - b. **Density limitation.** Residential density in Alisos Road area A shall be limited to a maximum of one primary single family residence for each 10 acre parcel. No secondary residences shall be allowed.

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SITE

PROJECT

Ordinance Amendment
Czekala LRP2005-00004

EXHIBIT

EXHIBIT E

Aerial



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